

### REMARKS

In this response, claims 2, 6, 7 and 10 have been amended. New claim 15 has been added. No claims have been canceled. Accordingly, claims 1-15 remain pending in the present application. Reconsideration of the above-identified patent application is hereby requested.

### **REJECTIONS UNDER 35 U.S.C. § 102(b)**

The Examiner has rejected claims 6, 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by Kine, U.S. Patent No. 3,935,930 ("Kine"). Reconsideration is and withdrawal of the rejection are respectfully requested based on the amendments made to claim 6 and the discussion set forth below.

First, Kine fails to disclose each element of claim 6 and is not anticipatory. As presently amended, the method of claim 6 requires "providing a master cylinder assembly . . . comprising a main chamber having a master piston and an adjuster chamber." It further requires that the "adjuster chamber includes an adjusting piston threadingly engaged therein and a port for adding or removing fluid." Kine fails to disclose the foregoing claim elements and at most shows a master cylinder with an adjusting piston. It does not disclose the claimed configuration of master cylinder assembly, master chamber and adjuster chamber. Moreover, Kine fails to teach or suggest the use of a port for adding or removing fluid in a master cylinder assembly, let alone in an adjuster chamber, as claimed. Instead,

Kine teaches the use of a "check val[v]e, 17" that provides "an opening for filling pressure fluid into [a] brake system." Kine at 2:49-50. However, Kine's check valve is located outside of the master cylinder 4 and is instead part of a disc braking mechanism. See Kine Fig. 2.

Second, Kine fails to disclose each element of claim 8. The method of Claim 8 requires "providing a control lever . . . biased in a neutral position and movable in a first direction and a second direction, and wherein the neutral position is between the first and second directions." From the neutral position, Kine's operating lever 2 can only be moved in one direction—towards the handlebars. See Kine Fig. 2 and ¶ 10.<sup>1</sup> Claim 9 depends from Claim 8 and is allowable over Kine on that basis as well.

In view of the foregoing, Applicant respectfully requests that the Examiners withdraw her § 102(b) rejections of Claims 6, 8 and 9 based on the Kine reference.

#### REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 2-5, 7 and 10 under 35 U.S.C. § 103 as being unpatentable over Kawakami, U.S. Patent No. 5,832,782 ("Kawakami"), in view of Irwin, U.S. Patent No. 4,497,503 ("Irwin"), in further view of Kine.

---

<sup>1</sup> In the copy of the Kine reference provided by the Examiner, only columns 1 and 2 were in the standard "image" format. The remainder of the reference was in a text format with numbered paragraphs.

As amended, claims 2, 7 and 10 require "a control lever operatively connected with the rotating member, wherein the lever is biased in a neutral position and movable in a first and second direction, and wherein the neutral position is between the first and second directions." None of the asserted references—alone or in combination—teach or suggest this claim limitation. As a result, they fail to disclose the claimed invention and do not render it obvious.

As explained previously, Kine lacks the foregoing claim limitation because from the neutral position, Kine's operating lever 2 can only be moved in one direction—towards the handlebars. Kawakami is similarly deficient. Kawakami discloses the use of a feeding lever 117 and a return lever 90 for upshifting and downshifting bicycle brakes, respectively. See Kawakami at 9:44-57 and Figs. 20(A)-20(D). The levers are pushed in the same direction to perform their respective upshifting and downshifting functions. However, Kawakami does not teach or suggest Applicant's claimed control lever biasing.

Finally, Irwin does not teach or suggest the use of a control lever operatively connected to a rotating member. Nor does it teach or suggest any type of control lever biasing, let alone biasing in a neutral position between first and second directions.

In light of the foregoing, claims 2, 7 and 10 are allowable over the asserted combination of Irwin, Kawakami and

Kine. Claims 3-5 are dependent on claim 2 and contain additional patentable features.

New claim 15 is also allowable over the prior art of record. None of the prior art of record teaches or suggests the claimed steps of providing a master cylinder assembly in communication with a slave cylinder assembly, wherein the master cylinder assembly comprises a main chamber having a master piston and an adjuster chamber, and wherein the adjuster chamber includes an adjusting piston threadingly engaged therein and a bleed port.


#### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

Dated: 11/25/03

By:   
Steven R. Hansen, Esq.  
Reg. No. 39,214  
1900 Avenue of the Stars  
Seventh Floor  
Los Angeles, CA 90067-4308  
(310) 203-8080